IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

UNITED STATES OF AMERICA)
v.) Case No. 2:18-cr-466-WKW-WC
RAYMOND DAVID JACQUES, III)

<u>ORDER</u>

Pending before the Court is Defendant Raymond David Jacques, III's Motion to Suppress (Doc. 18, filed March 29, 2019). On February 5, 2019, the undersigned entered the Order on Arraignment setting the case for the trial term beginning April 15, 2019, and providing that

PRETRIAL MOTIONS. All pretrial motions under Fed. R. Crim. P. 12(b) and (d), 14 and 16, all notices under Fed. R. Crim. P. 12.1, 12.2 and 12.3, and any motion to compel [...] must be filed no later than **TWO WEEKS FROM THE DATE OF THIS ORDER.** No motion filed after this date will be considered unless filed with leave of court. Unless otherwise ordered by the court, the continuance of the trial of a case will not extend the time for filing pretrial motions.

Doc. 9. Thus, Defendant's motion to suppress was due on or before February 19, 2019. However, Defendant did not file their motion to suppress until March 29, 2019; 38 days after his deadline, and only 17 days before the current trial setting. Additionally, Defendant wholly failed to request leave of court to file his motion out of time, and provided no explanation as to why the motion was untimely. Accordingly, it is

ORDERED that Defendant's Motion to Suppress (Doc. 18) be stricken as untimely.

DONE this 1st day of April, 2019.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
CHIEF UNITED STATES MAGISTRATE JUDGE